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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,241	12/27/1999	JAE-DUK YANG	678-413-(P89	9746

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EXAMINER

VUONG, QUOCHIE B

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/473,241

Applicant(s)

YANG, JAE-DUK

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 ~~is/are~~ pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 ~~is/are~~ rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

This action in response to Applicant's response filed on 03/14/02. Claims 1-8, and 10-14 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (Korean Patent Application Number 1995-46026 cited in the background of the invention) in view of Mack, II et al. (U.S. Patent Number 5,991,637).

Regarding claim 1, Applicant's Admitted Prior Art (AAPA) teaches a method of controlling of an operation mode of a TV phone, wherein the TV phone includes a TV unit that reproduces and outputs a video signal and an audio signal from a selected channel, a display unit that interfaces with the TV unit and receives and displays the video signals from the TV unit while in a TV mode, a TV audio signal processor that receives the audio signal processor that receives the audio signal from the TV unit and

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outputs audible sound, a mobile radio frequency processor (MRFU) that receives data of a forward channel transmitted from a base station, and a mobile signal processor (MSP) that provides a channel selecting signal to the TV unit in the TV mode, and transmits and receives an audio signal input from the MRFU in a phone mode (page 2, lines 1-17), the method comprising the steps of:

alerting the user of an incoming call in response to an incoming signal transmitted from the base station when the TV phone is in a TV mode (page 3, lines 10-13); and

switching from the TV mode to the phone mode (page 3, lines 13-16, wherein the user manually switches the TV mode to the phone mode).

AAPA fails to teach the step of automatically disabling the TV unit and switching directly from the TV mode to the phone mode.

However, Mack, II et al. teach a step of automatically disabling a passive communication device and switching from the passive communication device mode to the phone mode upon receipt of an incoming call (column 3, lines 46-58).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of automatically disabling the passive communication device and switching to the phone mode upon receipt of an incoming call of Mack, II et al. to the method of AAPA so that the user can quickly answer the incoming call and prevent missed call.

Regarding claim 2, AAPA teaches the step of switching from the TV mode to the phone mode is in response to input by the user of a command that permits the call to

proceed (page 3, lines 13-16, wherein the user manually switches the TV mode to the phone mode).

Regarding claim 5, the switching from the TV mode to the phone mode includes transmitting an incoming call response message to the calling party through a reverse channel, this step is inherently present in AAPA teaching because in order to establish a connection it must have a forward channel to receive the call and a reverse channel to acknowledge the call within the communication system.

Regarding claim 8, AAPA teaches the step of alerting the user of an incoming call includes generating an audio output from a speaker of the TV phone (page 3, lines 10-13, i.e., the phone rings).

Regarding claim 10, AAPA teaches the disabling of the operation of the TV unit is by interrupting power supply voltage supplied to the TV module (page 3, lines 13-16, i.e., turn off the TV).

Regarding claim 11, the combination of AAPA and Mack, II et al. teach a step of automatically switching from the TV mode to the phone mode upon receipt of an incoming call (see Mack, II et al., column 3, lines 46-58).

Regarding claim 12, the combination of AAPA and Mack, II et al. teach the method as described in claim 11, in addition Mack, II et al. teach automatically or manually switching to the phone mode upon receipt of the incoming call (column 3, lines 46-60), and additional step setting the TV phone to an automatic mode (i.e., enable the automatic answering) prior to reception of the incoming call signal, the step of switching

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from the TV mode to the phone mode being enabled by the setting of the automatic mode and occurring automatically (column 10, lines 38-54).

Regarding claim 13, the combination of AAPA and Mack, II et al. teach the method of claim 11, in addition AAPA teaches the switching from the TV mode to the phone mode inherently includes transmitting an incoming call response message to the calling party through a reverse channel because in order to establish a connection it must have a forward channel to receive the call and a reverse channel to acknowledge the call within the communication system.

Regarding claim 14, AAPA teaches a method of controlling switching of an operation mode of a TV phone (page 2, lines 1-17), the method comprising the steps of:

alerting the user of an incoming call in response to an incoming call signal transmitted from the base station when the TV phone is in a TV mode (page 3, lines 10-13); and

switching from the TV mode to the phone mode (page 3, line 13-16, wherein the user manually switched the phone mode from the TV mode).

AAPA fails to teach the step of automatically disabling the TV unit and switching directly from the TV mode to the phone mode.

However, Mack, II et al. teach a step of automatically disabling a passive communication device and switching from the passive communication device mode to the phone mode upon receipt of an incoming call (column 3, lines 46-58).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of automatically disabling the

passive communication device and switching to the phone mode upon receipt of an incoming call of Mack, II et al. to the method of AAPA so that the user can quickly answer the incoming call and prevent missed call.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Mack, II et al. as applied to claim 1 above, and further in view of Hadar et al. (U.S. Patent Number 5,870,389).

Regarding claim 3, the combination of AAPA and Mack, II et al. teaches the method of controlling switching of an operation mode of a TV phone as described in claim 1.

AAPA and Mack, II et al. fail to teach the step of switching from the TV mode to the phone mode is prevented in response to input by a user of a command rejecting the incoming call.

However, Hadar et al. teach preventing to answer the call in response to input by the user of a command rejecting the incoming call by pressing the "End" key (column 18, line 58 – column 19, line 4).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hadar et al. for rejecting the incoming call to the method of AAPA and Mack, II et al. so that the user does not have to switch from the TV mode when the user does not want to answer the incoming call and stop the call alerting (ringing or vibrating) to save power.

Regarding claim 4, the combination of AAPA, Mack, II et al. and Hadar et al. teach the method as described in claim 3, in addition Hadar et al teaches the input by

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the user of a command rejecting the incoming call terminates the step of alerting the user of an incoming call (column 18, line 58 – column 19, line 4).

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Mack, II et al. as applied to claim 1 above, and further in view of Shimanuki (U.S. Patent Number 5,890,071).

Regarding claim 6, the combination of AAPA and Mack, II et al. teaches the method of claim 1.

AAPA and Mack, II et al. fail to teach the step of alerting the user of an incoming call includes displaying a character message on the display unit.

However, Shimanuki teaches the step of alerting the user of an incoming call includes displaying a character message on the display unit of TV phone (column 6, lines 35-60).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Shimanuki to display the character message on the display to the method of AAPA and Mack, II et al. for alerting the user of the incoming call to visually alert the user of the incoming call and prevent missed calls.

Regarding claim 7, the combination of AAPA and Mack, II et al. teaches the method of claim 1.

AAPA and Mack, II et al. fail to teach the step of alerting the user of an incoming call includes interrupting of an audio output from a speaker of the TV phone.

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However, Shimanuki teaches the step of alerting the user of an incoming call includes interrupting of an audio output of a broadcast from a speaker (column 5, line 36-50).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Shimanuki to interrupt the audio output from a speaker and replace it with the ringing tone to the method of AAPA and Mack, II et al. to alert the user of the incoming call and prevent missed calls.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. **Any response to this action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

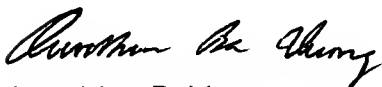
(703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA 22202. Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service representative whose telephone number is (703) 306-0377.



Quochien B. Vuong

May 30, 2002.


NAY MAUNG
PRIMARY EXAMINER